

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA

V.

MATTHEW JACOB PHILLIPS

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NO. A 14 CR 332(01) LY

SENTENCING MEMORANDUM

Matthew Jacob Phillips files this Sentencing Memorandum requesting a variance below the advisory guideline range of 87-108 months based on an offense level 27 and criminal history category III. Specifically, Phillips requests that the Court consider a sentence of 63 months.

Phillips is 25 years old and has been battling drug addiction since he was in high school at Westlake High. His criminal history consists largely of drug possession cases, though he has no felony convictions. It was his substance abuse that ultimately led him to begin dealing drugs in order to support his habit. The longest time he served in custody was a 6-month in-patient treatment as part of a deferred adjudication disposition for several drug possession cases. That effort at rehabilitation obviously did not take.

Ultimately Phillips can be a successful, productive member of society. He is very bright and enjoys good family support. He has completed 2 ½ years of college and intends to complete his degree while serving his sentence. But Phillips fully understands the battle ahead of him and knows his only chance of a successful re-entry into society

hinges on his recovery from addiction.

Phillips possessed firearms in this case that have both increased his sentence and will likely prevent him from participating in the comprehensive RDAP program in BOP. However, he did not possess the firearms as a tool of the trade or otherwise to engage in, or facilitate, criminal conduct. Simply put, Phillips collected firearms as a hobby and enjoyed shooting them at the range.

In light of these circumstances, a sentence of 63 months would be a reasonable sentence and sufficient to punish Phillips, given that he has never served longer than six months in custody. Such a sentence would deter him and others from similar criminal conduct, and would otherwise fulfill the sentencing goals of 18 U.S.C. 3553(a).

Respectfully submitted.

MAUREEN SCOTT FRANCO
Federal Public Defender

By: _____
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CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of March, 2015, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Mr. Mark Marshall
Assistant U.S. Attorney
816 Congress Ave., Ste. 1000
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and I hereby certify that I have delivered, via courthouse mail, the document to the following non-CM/ECF participant:

Mr. Russ Wiedenmeyer
U.S. Probation Officer
501 West 6th Street, Ste. 2100
Austin, TX 78701

/s/ HORATIO R. ALDREDGE